

and filed with the secretary of state. If appointed, the deputy commissioner shall:

- (1) act as an advisor to the board and shall also act as its secretary;
- (2) attend the meetings of the board;
- (3) prepare and recommend to the board policies and rules for governance of the homes;
- (4) appoint an administrator of each home with the approval of the board;
- (5) appoint other employees of the homes in accordance with chapter 43A, which appointment power must be delegated to administrators;
- (6) define the duties of the administrators and employees, and delegate to the administrators those powers and duties determined by the deputy, subject to the control of the deputy;
- (7) with the assistance of the administrators, prepare and submit biennial and annual budgets for the homes to the board and, with the approval of the board, submit the budgets to the commissioner of veterans affairs for review and comment. The commissioner shall forward the budgets to the commissioner of finance as part of the department's budget;
- (8) report to the board, at least quarterly, on the management, operations, and quality of care at the homes; and
- (9) with the approval of the board, perform other duties as may be required for the management and administration of the homes. The executive director appointed under subdivision 1 has the powers and duties delegated by the board or assigned to the executive director by law. A delegation must be in writing, signed by the board chair, and filed with the secretary of state.

Presented to the governor April 3, 1990

Signed by the governor April 6, 1990, 11:29 a.m.

CHAPTER 414—H.F.No. 2393

An act relating to consumer protection; regulating automatic garage door systems in residential buildings; providing standards; providing penalties and remedies; amending Minnesota Statutes 1989 Supplement, section 16B.61, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 325F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

New language is indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 1989 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **SPECIAL REQUIREMENTS.** (a) **SPACE FOR COMMUTER VANS.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **SMOKE DETECTION DEVICES.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **DOORS IN NURSING HOMES AND HOSPITALS.** The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) **CHILD CARE FACILITIES IN CHURCHES.** A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) **FAMILY AND GROUP FAMILY DAY CARE.** The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(f) **MINED UNDERGROUND SPACE.** Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, con-

New language is indicated by underline, deletions by ~~strikeout~~.

struction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(g) **ENCLOSED STAIRWAYS.** No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(h) **DOUBLE CYLINDER DEAD BOLT LOCKS.** No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(i) **RELOCATED RESIDENTIAL BUILDINGS.** A residential building relocated within or into a political subdivision of the state need not comply with the state energy code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(j) **AUTOMATIC GARAGE DOOR OPENING SYSTEMS.** The code must require all residential buildings as defined in section 2 to comply with the provisions of sections 2 and 3.

Sec. 2. [325F.82] DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of section 3, the terms defined in this section have the meanings given them.

Subd. 2. AUTOMATIC GARAGE DOOR OPENING SYSTEM. "Automatic garage door opening system" means a system of devices and equipment that automatically opens and closes a garage door.

Subd. 3. GARAGE. "Garage" means a building, or a portion of a building, designed or used for the storage, repair, or keeping of a motor vehicle.

Subd. 4. RESIDENTIAL BUILDING. "Residential building" means a building such as a home or apartment for one or more families or persons that includes an attached or unattached garage.

Sec. 3. [325F.83] REGULATION OF AUTOMATIC GARAGE DOOR OPENING SYSTEMS.

Subdivision 1. MANUFACTURING, SALES, PURCHASES, REPAIRS, OR INSTALLATIONS OF SYSTEMS. (a) No person shall manufacture, sell, offer for sale, purchase, or install in this state an automatic garage door opening system for residential buildings that does not comply with subdivision 3.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) No person shall service or repair an automatic garage door opening system for residential buildings that does not comply with subdivision 3, paragraph (a). This paragraph does not prevent the servicing or repair of an automatic garage door opening system if the system will be in compliance with subdivision 3, paragraph (a), after the repair or service.

Subd. 2. DESIGN AND CONSTRUCTION OF RESIDENTIAL BUILDINGS. No residential building shall be designed or built in this state unless all automatic garage door opening systems comply with subdivision 3.

Subd. 3. MINIMUM STANDARDS. (a) No later than January 1, 1991, all automatic garage door opening systems subject to subdivision 1 or 2 must conform to the applicable requirements of Underwriters Laboratories, Inc., Standards for Safety-UL 325, third edition, as revised May 4, 1988.

(b) No later than January 1, 1993, all automatic garage door opening systems subject to subdivision 1 or 2 must include an attached edge sensor, safety beam, or similar device that when activated causes a closing door to open and prevents an open door from closing. This device is to be designed and built so that a failure of the device prevents the door from closing.

Subd. 4. MANUFACTURER'S LABELING REQUIREMENTS. On and after January 1, 1991, a manufacturer selling or offering for sale automatic garage door opening systems in this state shall clearly identify on the container and on the system, the month and year the system was manufactured, and its conformance with UL 325, as required under subdivision 3, paragraph (a).

Subd. 5. OCCUPANT TO INFORM OWNER. For all residential buildings where the occupant is not the owner, the occupant has a duty to inform the owner of a nonfunctioning or malfunctioning reversing device or mechanism in an automatic garage door opening system within 24 hours of discovery of the problem.

Subd. 6. REMEDIES AND PENALTIES. A person who is found to have violated this section is subject to the penalties and remedies, including a private right of action, as provided in section 8.31.

Subd. 7. LOCAL REGULATION. The governing body of a local unit of government may adopt, by ordinance, rules for the installation and maintenance of automatic garage door opening systems that are more restrictive than the standards imposed by this section. Rules adopted pursuant to this subdivision may be enforced through a truth-in-housing inspection.

Subd. 8. APPLICATION OF OTHER LAW. For the purposes of section 541.051, an automatic garage door opening device is not an improvement to real property.

Presented to the governor April 5, 1990

New language is indicated by underline, deletions by ~~strikeout~~.

Signed by the governor April 9, 1990, 10:13 a.m.

CHAPTER 415—H.F.No. 1985

An act relating to insurance; regulating cease and desist orders and communications with the department of commerce; providing for a waiver of the 30-day waiting period for purchasing insurance from certain associations; amending Minnesota Statutes 1988, sections 45.027, subdivision 5; 60A.17, by adding a subdivision; and 62A.31, subdivision 1a.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 45.027, subdivision 5, is amended to read:

Subd. 5. **LEGAL ACTIONS; INJUNCTIONS; CEASE AND DESIST ORDERS.** Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of chapters 45 to 83, 309, and 332, or any rule or order adopted under those chapters, the commissioner has the following powers: (1) the commissioner may bring an action in the name of the state in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with chapters 45 to 83, 309, and 332, or any rule or order adopted or issued under those chapters, or the commissioner may refer the matter to the attorney general or the county attorney of the appropriate county. Upon a proper showing, a permanent or temporary injunction, restraining order, or other appropriate relief must be granted; (2) the commissioner may issue and cause to be served upon the person an order requiring the person to cease and desist from violations of chapters 45 to 83, 309, and 332, or any rule or order adopted or issued under those chapters. The order must be calculated to give reasonable notice of the rights of the person to request a hearing and must state the reasons for the entry of the order. A hearing must be held not later than seven days after the request for the hearing is received by the commissioner, unless the person requesting the hearing and the department of commerce agree the hearing be scheduled after the seven-day period. After ~~which~~ the hearing and within 20 days after receiving the administrative law judge's report, the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. If no hearing is requested within 30 days of service of the order, the order will become final and will remain in effect until it is modified or vacated by the commissioner. Unless otherwise provided, all hearings must be conducted in accordance with chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default, and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted under this subdivision.

New language is indicated by underline, deletions by ~~strikeout~~.